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DHS FOR OFFICE OF INTERNATIONAL AFFAIRS
LONDON FOR SEC. CHERTOFF'S PARTY

E.O. 12958: DECL: 06/07/2016
TAGS: [PTER](#) [KJUS](#) [PREL](#) [PGOV](#) [KHLS](#) [GM](#)
SUBJECT: SCENESETTER: DHS SECRETARY CHERTOFF'S VISIT TO
BERLIN

Classified By: Charge d'Affaires a.i. John Bauman for
reasons 1.4 (b) and (d).

¶1. (C) Summary. Your visit to Germany gives Interior Minister Schaeuble, a loyal ally in the war on terror, his long-awaited chance to discuss with you personally ongoing and additional bilateral cooperation. Your visit also lets you thank former Minister Schily, who enjoys good relations with Schaeuble despite coming from the other party in the coalition, for years of close and effective bilateral ties. Our relationship with Schaeuble, as with his predecessor, in fighting terrorists and strengthening security, while excellent, is sometimes limited or hampered by our differing legal systems and EU restrictions, as well as by skepticism on the part of the German public. Given Schaeuble's counterterrorism convictions, he may be able to break logjams and find new ways to work more closely with the U.S., for example, in fingerprint sharing. He has spoken publicly against the detention of German resident Murat Kurnaz in Guantanamo -- Schaeuble may raise this or other sensitive cases in the War on Terror. In addition to the focus on advancing the excellent relations with Germany in the fight against terrorism, your meetings are an opportunity to examine how we can work together on these issues within the EU and broader global contexts. End Summary.

Schaeuble on Counterterrorism

¶2. (C) Wolfgang Schaeuble (like Chancellor Merkel, a Christian Democrat) is outspoken in the "grand coalition" government with the Social Democrats in urging more aggressive German counterterrorism actions. His stances have sometimes attracted criticism even from fellow ministers (e.g., Justice Minister Zypries), but he persists and prevails: After the Constitutional Court ruled the German military may not shoot down hijacked airliners in an emergency, Schaeuble called for a new law to make it possible. Schaeuble seeks preventive detention to prevent terrorist attacks, a concept the Justice Ministry opposes. He successfully lobbied and obtained a limited role for the German military to help support security requirements of the Soccer World Cup. While he speaks out against the Guantanamo facility, he supports interrogations to prevent terrorism.

¶3. (C) Schaeuble directed his ministry to expand on former Minister Schily's proposal of a third post-9/11 package of law changes to strengthen further Germany's counterterrorism regime. The draft may include key elements the U.S. seeks, including broader powers for German law enforcement and better and more integrated databases. Schaeuble also seeks

immigration reforms to promote integration and simplify deportation of extremists. He recently broke new ground by announcing his intention to meet directly with representatives of a number of Muslim organizations that the government considers -- at least potentially -- subversive. You may want to ask him about his priorities and the draft law's prospects.

Eager for USG Interaction

14. (C) Schaeuble, a devoted and long-standing trans-Atlanticist, sought meetings with U.S. counterparts as soon as he took office to show strong bilateral counterterrorism cooperation and has repeatedly invited you to visit. Schaeuble admits it is difficult for him to travel because he is confined to a wheelchair due to an assassination attempt in October 1990, nine days after reunification, by a mentally unstable person. Nonetheless he told his staff he was ready to travel to Washington if U.S. counterparts could not come to Berlin. For your visit, he told his staff to be as flexible as possible to meet U.S. needs.

U.S. Priorities

15. (C) The over-arching U.S. Mission priority in counterterrorism is expanding information sharing -- and opposing EU efforts that would complicate or even ruin existing information sharing channels. There are several examples where Schaeuble could be helpful in achieving results.

16. (C) To promote Homeland Security Presidential Directive

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Six (HSPD-6), the Embassy presented the Interior Ministry with a proposal to share up to four categories of fingerprint data: individuals convicted, those under investigation, those suspected of a crime, and those Germany lists as posing a threat (the "Gefaehrderliste" of possible terrorists). A positive outcome would help several DHS agencies, including ICE and USSS. The Ministry has not formally responded to the proposal, but State Secretary Altmeier recently said Germany had not rejected it. It would be useful to tell Schaeuble we are prepared to be flexible and remind him of what he has said publicly repeatedly: the fight against terrorism requires information sharing to defeat common threats. Germany needs to find a way to make increased fingerprint sharing possible.

17. (C) German data privacy laws and public attitudes towards privacy and information sharing complicate currently robust and informal bilateral law enforcement cooperation -- and proposed new EU mechanisms may make things even worse. Germany's history makes Germans apprehensive about what authorities know and how they handle, share, and store data. But simply put, German privacy procedures hinder efforts to investigate and prosecute individuals by dictating logistical requirements such as the computer and software system that handles the data. New EU privacy directives may require data privacy commissioners to approve each instance of data sharing -- a recipe for gridlock. Another EU effort laudably improves data sharing among EU member states, but could complicate it with third countries like the U.S. Your conversations are an opportunity to sensitize Schaeuble to the threat to ongoing cooperation these initiatives represent, with an eye toward German influence in the EU and the possible ways the U.S. and Germany can work together in Brussels and the EU.

Issues Schaeuble May Raise

18. (C) Schaeuble's staff tell us he will raise:

-- Germany's 2007 EU and G-8 Presidency: You should urge him to ensure that German interest in energy security, the EU constitution, and other issues emerging on the German agenda should not prevent counterterrorism from also being a German priority.

-- World Cup Security / Data Sharing: Your visit comes during the middle of German and global World Cup fever. DHS has been a key part of the U.S. effort to help Germany secure the World Cup: ICE officers are working in German Operations Centers, TSA has heightened Air Marshal and airport inspections, and it was then-Acting Under Secretary Beardsworth who initiated the current sharing of relevant parts of the Terrorist Screening Database to screen those accredited to World Cup venues. The Ambassador and Schaeuble agreed in their first official meeting to be the channel for requests / offers of U.S. assistance. We provided all Germany asked and more. Your talks are an opportunity to emphasize that we have shown our willingness to enhance data sharing; we are prepared to consider other German requests for data sharing and would welcome more sharing from Germany as well.

-- Biometrics / Visa Waiver Program (VWP): The German biometric ePassport, introduced in late 2005, is not compulsory for children under age 14. German officials call the Visa Waiver Program requirement for biometric passports for all children unnecessary and inappropriate. The Embassy has repeatedly told the Interior Ministry at several levels that the U.S. stance is firm, but Germany continues to hope they will arrange an exception or relaxation of U.S. rules for Germany. The U.S. displayed its ePassport late May in Berlin at an Interior Ministry conference.

19. (C) Other Issues he may also raise include:

-- Biometric Pilot Project: The Interior Ministry has proposed a bilateral project to enable vetted frequent travelers to speed through arrival/departure formalities. Germany, however, prefers iris scans as the biometric identifier. There have been several rounds of discussions in recent months but no agreement to move forward.

-- Bag Scanning: Germany manufactures luggage scanning machines which have not received TSA approval; German officials claim a U.S. bias against them. Germany may seek

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reciprocal approval of each others' bag scanning machines in a U.S.-EU Open Skies agreement.

-- Recent European Court Passenger Name Records (PNR) decision: The European Commission stated it will not seek to reopen the agreement but rather find another mechanism to enact the existing agreement. Reopening the agreement is dangerous: European voices will call for less data transfer. You should tell Schaeuble the PNR agreement should not be changed and you could share DHS thinking about future efforts that may one day complement or replace PNR.

Sensitive Cases

10. (S) A German Bundestag investigation committee is researching German intelligence service activities, alleged CIA rendition over-flights and transit stops, and the alleged CIA detention of German citizen al Masri. These issues remain sensitive across the German political spectrum. Schaeuble stated publicly in late March the U.S. would "soon" release German resident / Turkish national Murat Kurnaz from Guantanamo. Negotiations are ongoing and involve promises by Germany to monitor Kurnaz in Germany after his release. The German Federal Office of Criminal Investigation (BKA) and Federal Office for the Protection of the Constitution (BfV - internal security service), both of which report to

Schaeuble, would be responsible for the surveillance. German concerns over alleged renditions and detentions do not now appear to pose a threat to German-American cooperation, but they could complicate German public efforts.

U.S. Domestic Issues

11. (SBU) Headlines in the U.S. often become headlines in Germany. You can expect either Schaeuble or those at your press event to ask questions about the aftermath of Hurricane Katrina and the future of FEMA. On Katrina, it would be gracious to thank your hosts for the high speed pumps and humanitarian assistance Germany sent while Schily was Minister. The official German civil engineering response group (Technisches Hilfswerk or THW), which falls under the Interior Minister, sent 97 people to New Orleans and the south to help with the pumps and other relief activities. The proposed U.S. border fence with Mexico and the recent U.S. public demonstrations by immigrants may also come up with Germans mistakenly finding parallels with their own past. Germany has been debating language and cultural/social tests for naturalization and people are interested in U.S. policies.

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